

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 247 be amended to read as follows:

- 1 Page 3, between lines 13 and 14, begin a new paragraph and insert:
2 "SECTION 5. IC 35-38-2.5-7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) A court may not
4 order home detention for an offender unless the offender agrees to
5 abide by all of the requirements set forth in the court's order issued
6 under this chapter.
7 (b) A court may not order home detention for an offender who:
8 (1) is being held under a detainer, warrant, or process issued by
9 a court of another jurisdiction;
10 **(2) is being sentenced for the offense of dangerous possession**
11 **of a firearm (IC 35-47-10-5) if:**
12 **(A) the offender is at least sixteen (16) years of age;**
13 **(B) the commission of the offense involved the knowing or**
14 **intentional possession of a firearm that was capable of**
15 **being concealed on the body, in the clothing, or under the**
16 **clothing of the offender; and**
17 **(C) the offense was committed in a public safety**
18 **improvement area established under IC 36-8-19.5; or**
19 ~~(2)~~ **(3)** has been convicted of a sex offense under IC 35-42-4 or
20 IC 35-46-1-3.
21 SECTION 6. IC 35-38-2.6-1, AS AMENDED BY P.L.242-1999,
22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2001]: Sec. 1. (a) Except as provided in subsection (b), this
24 chapter applies to the sentencing of a person convicted of:
25 (1) a felony whenever any part of the sentence may not be
26 suspended under IC 35-50-2-2 or IC 35-50-2-2.1; or
27 (2) a misdemeanor whenever any part of the sentence may not be
28 suspended.
29 (b) This chapter does not apply to persons convicted of any of the
30 following:
31 (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.

- 1 (2) Offenses related to controlled substances listed in
2 IC 35-38-1-7.1 for which a Class A or Class B felony is imposed.
3 (3) Any of the felonies listed in IC 35-50-2-2(b)(4).
4 **(4) An offense described in IC 35-50-2-2(i).**
5 Page 5, line 6, delete "an" and insert "**the offense of dangerous**
6 **possession of a firearm (IC 35-47-10-5) as a Class C felony**".
7 Page 5, line 7, delete "offense under IC 35-47-10-5".
8 Page 5, delete lines 15 through 17.
9 Page 5, line 19, delete "IC 35-47-10-5,".
10 Renumber all SECTIONS consecutively.
(Reference is to SB 247 as printed February 9, 2001.)

Senator CLARK